

Application/Control Number: 09/775,585
Art Unit: 2141

Docket No.: 1999-0735CIP

REMARKS

Reconsideration and allowance are requested. Claims 1, 3 - 7, 9, 10, 14 and 16 - 23 are rejected. Claims 2, 8 and 15 are withdrawn from consideration. Claim 21 is cancelled and claims 1, 14 and 16 are amended. The cancellation of claim 21 obviates the Examiner's objection to this claim. Claim 16 is also amended to be dependent from claim 14 as mentioned by the Examiner and not for patentability. Claim 22 is amended only to correct the claim dependence introduced by the cancellation of claim 21.

Rejection of Claims 1, 2, 3 - 7, 9 - 10, 14 and 16 - 23 under Section 102(b)

The Examiner rejects claims 1, 2, 3 - 7, 9 - 10, 14 and 16 - 23 under Section 102(b) as being unpatentable over U.S. Pat. No. 6,029,045 to Picco et al. ("Picco et al."). As mentioned above, claim 21 is cancelled rendering the rejection of this claim moot.

We first address claim 1. Claim 1 recites a method for receiving performance information over a network for generating a pseudo-live performance. A minor amendment to this claim clarifies the step of detecting a need for the performance information. The step of detecting a need for performance information is performed by determining a time of a previously information reception event, detecting a status of a storage device, and accessing a profile. Applicant submits that contrary to the Examiner's assertion, this step is not taught in Picco et al.

The Examiner asserted that Picco et al. teach this step in various locations outlined on page 3 of the Office Action. Applicant notes, however, that none of the locations identified by the Examiner teaches the limitation of determining a time of a previously information reception event. Thus, although column 7 as identified by the Examiner references updating content as instructed by the scheduler 148. Applicant notes, however, that the scheduler 148 as taught by Picco et al. relates to more of a statistical scheduling system that includes viewing information and usage of a household and is not taught as performing the step of

Application/Control Number: 09/775,585
Art. Unit: 2141

Docket No.: 1999-0735CIP

determining a time of a previously information reception event as is recited in claim 1. Picco et al. focus mainly on the process of inserting local content into programming content and scheduling that insertion. They simply do not take into account the need to detect a need for performance information by determining a time of a previous information reception event. For this reason, since Picco et al. is silent regarding this limitation of claim 1, Applicant respectfully submits that claim 1 is patentable and in condition for allowance.

Claims 3 - 7 and 9 - 10 each depend from claim 1 and recite further limitations therefrom. Therefore, Applicant submits that these claims are patentable as well.

Claim 14 recites a pseudo-live performance generator comprising a controller that detects a need for performance information by determining a time of a previous information reception event. This feature, as discussed above, is not taught by Picco et al. Therefore, Applicant submits that claim 14 is patentable and in condition for allowance.

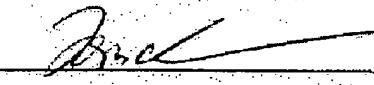
Claims 16 - 20 and 22 - 23 each depend from claim 14 and recite further limitations therefrom. Accordingly, Applicant submits that these claims are patentable as well.

CONCLUSION

Having addressed the rejection of claims, applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Date: 1/19/05

By: 

Correspondence Address:
Samuel H. Dworetzky
AT&T Corp.
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

Thomas M. Isaacson
Attorney for Applicants
Reg. No. 44,166
Phone: 410-414-3056
Fax No.: 410-510-1433